REMARKS

Reconsideration of the objection and the rejections set forth in the Office Action dated October 30, 2006, is respectfully requested. The Examiner rejected claims 83-114. Applicants have canceled claims 83-114 without prejudice and have added new claims 115-152. Accordingly, claims 115-152 remain pending in the application. No new matter has been added by these amendments as can be confirmed by the Examiner.

A.   Formalities.

In the Office Action, the Examiner objected to claim 113, noting a typographical error and suggesting a claim amendment for overcoming the objection. Although claim 113 has been canceled, Applicants appreciate the Examiner's close examination of the present application and submit that the Examiner's objection is moot in light of the cancellation of claim 113.

B.   The Pending Claims Are Fully Supported by the Original Specification.

The Examiner also rejected claims 83, 93, 95, 96, and 99-102 under 35 U.S.C. § 112, ¶ 1 as allegedly failing to comply with the written description requirement. According to the Examiner, the rejected claims contain subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicants respectfully disagree with the Examiner's assertion but, for the sole purpose of expediting prosecution of the present application, have canceled claims 83-114. Applicants likewise have added new claims 115-152 and submit that the new claims 115-152 are fully supported by the original specification.

Accordingly, for at least the reasons set forth above, Applicants respectfully submit that the Examiner's rejections of claims 83, 93, 95, 96, and 99-102 under 35 U.S.C. § 112, ¶ 1 are moot and should be withdrawn.

C.   Rabin et al. Do Not Disclose or Suggest Extracting Multiple Source Frame Submatrices from a Selected Source Video Frame, Wherein Each Source Frame Submatrix Comprises Source Pixel Elements in the Selected Source Video Frame that Correspond with a Pixel Submatrix of a Relevant Key Element, as Recited in New Claims 115-152.

In the Office Action, the Examiner also rejected claims 83-93, 95-99, 101, and 103-111 as allegedly being anticipated by Rabin et al., United States Patent No. 6,697,948, under 35 U.S.C. § 102(e). It is submitted that the cancellation of claims 83-114 renders the claim rejection moot. Applicants likewise submit that, by failing to disclose each and every element of new independent claims 115 and 141, Rabin et al. neither anticipate nor render obvious claims 115 and 141. Accordingly, Applicants respectfully submit that new claims 115-152 are in condition for allowance.

According to the Examiner, "Rabin discloses an information protection system wherein copyright protection of vendor created software is provided using detection and verification programs." The Examiner asserts that Rabin et al. at col. 20:61 – col. 21:8 disclose a data management server system that receives a source file for registration and a target file for comparison with the source file as well as a key generation system that generates a first unique data identifier for the source file. The Examiner likewise relies on Rabin et al. at col. 36:58-65 to teach generating fingerprints on instances of software via an extraction rule and performing a fingerprint check to comparer the software instances.

Without acquiescing, Applicants have canceled claims 83-114 and have added new claims 115-152, including new independent claims 115 and 141. Independent claim 115 recites a method for managing data that includes "receiving a source file from a file owner for registration, the source file ... having a sequence of source video frames each comprising a pixel matrix of source pixel elements, each of the source pixel elements being associated with a pixel color value." The method of claim 115 further includes "applying said data key to the source file to extract a plurality of source frame submatrices from a selected source video frame, each of said source frame submatrices comprising the source pixel elements in the selected source video frame that correspond with the pixel submatrix of a relevant key element." Similar recitations are set forth in independent claim 141.

Being directed toward "copyright protection of vendor created software," Rabin et al. do not teach that the disclosed information protection system receives source files that have "a sequence of source video frames each comprising a pixel matrix of source pixel elements, each of the source pixel elements being associated with a pixel color value" as recited in independent claims 115 and 141. Rabin et al. further do not disclose extraction of source frame submatrices from a selected source video frame of the source file, wherein each source frame submatrix comprises the source pixel elements in the selected source video frame that correspond with the pixel submatrix of a relevant key element" as set forth in claims 115 and 141. In fact, Rabin et al. do not disclose or suggest, nor does the Examiner assert that Rabin et al. disclose or suggest, reception of source files that include source video frames, pixel matrices, or pixel color values or extracting a portion of a pixel matrix as a submatrix as claimed.

At least one recited element of claims 115 and 141 therefore is totally missing from Rabin et al. In accordance with M.P.E.P. § 2131, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). The disclosure of a claim element in a prior art reference, when relied upon to negate patentability, must also be clear and unambiguous. Further, "[t]he identical invention must be shown in as complete detail as contained in the...claim." *Richardson v. Suzuki Motor Corp.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Furthermore, and uniquely important in this case is the requirement that the elements relied on in the prior art reference must be arranged as required by the claim. See *In re Bonds*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990).

Accordingly, Applicants respectfully submit that, since Rabin et al. fail to disclose each and every element of claims 115 and 141, claims 115-152 are not anticipated and are in condition for allowance.

D.   Rabin et al. Do Not Disclose or Suggest Forming a Data Block that Includes File Attribute Information and Encrypting the Data Block via an Owner Encryption Key, which Permits a File Owner to Generate a User Decryption Key to Enable an Authorized File User to Decrypt and View the File Attribute Information as Recited in New Claims 115-152.

The Examiner further asserts that Rabin et al. at col. 36:13-16 teach a data embedding system that embeds an information block into the source file, said information block including information pertaining to ownership of intellectual property rights. Relying on Rabin et al. at col. 36:2-4, 30-32 and col. 40:43-47, the Examiner alleges that Rabin et al. teach embedded tags with user-defined information that can be digitally signed and that the teaching of digitally-signed tags is sufficient to disclose user-defined information that is at least partially encrypted.

Claims 115 and 141, however, recite a data block that includes the file attribute information and that is encrypted via an owner encryption key to form an encrypted data block, which is embedded in the source file. Claims 115 and 141 likewise recite that the owner encryption key permits the file owner to generate a user decryption key to enable an authorized file user to decrypt and view the file attribute information in the branded source file. In contrast to claims 115 and 141, Rabin et al. do not disclose a data block that is encrypted via an owner encryption key, "wherein [the] owner encryption key permits the file owner to generate a user decryption key to enable an authorized file user to decrypt and view the file attribute information in the branded source file."

In the manner discussed above, at least one more element of recited in claims 115 and 141 is totally missing from Rabin et al. Applicants therefore submit that claims 115-152 are not anticipated and are in condition for allowance.

E.   No Motivation Exists to Modify the Teachings of Rabin et al. in a Manner that Precludes the Patentability of Claims 115-152 Under 35 U.S.C. § 103(a).

In the Office Action, the Examiner rejected 94 and 100 as allegedly being rendered obvious by Rabin et al. under 35 U.S.C. § 103(a), and Rabin et al. in view of Agrawal et al., United States Patent No. 5,647,058, were asserted as rendering claims 112-114 obvious under 35 U.S.C. § 103(a). It is submitted that the cancellation of claims 83-114 renders the claim rejection moot. Applicants further submit, however that, there is no teaching or motivation in the cited prior art to modify Rabin et al. or Agrawal et al. in a manner that renders new independent

claims 115 and 141 obvious under 35 U.S.C. § 103(a). Accordingly, Applicants respectfully submit that new claims 115-152 are in condition for allowance.

In accordance with M.P.E.P. § 2142, the Examiner bears the initial burden of establishing a *prima facie* case of obviousness. "To establish a *prima facie* case of obviousness, three basic criteria must be met." (M.P.E.P. § 2143.) First, some suggestion or motivation in the prior art references or in the knowledge of one of ordinary skill in the relevant art must exist to modify or combine the references. Second, if the references are combined, a reasonable expectation of success must be shown. Then, finally, all of the claim limitations must be taught or suggested by one reference or a combination of references. To establish a *prima facie* case of obviousness based on a single reference that does not teach all the elements of a claim, the Examiner must provide a rationale for modifying the teachings of the reference. See *In re Kotzab*, 55 U.S.P.Q.2d 1313, 1317 (Fed. Cir. 2000), *citing, B.F. Goodrich Co. v. Aircraft Breaking Sys. Corp.*, 72 F.3d 1577, 1582, 37 U.S.P.Q.2d 1314, 1318 (Fed. Cir. 1996).

As set forth in more detail above, Rabin et al. fail to disclose or suggest at least one recited element of claims 115-152. Noting the shortcomings of Rabin et al., the Examiner relies on Agrawal et al. to supplement the disclosure of Rabin et al. The Examiner asserts that Agrawal et al. at col. 6:28-38 disclose a method of indexing a multi-media database wherein video data is fingerprinted using the average of RGB color features. In the manner discussed above with reference to Rabin et al., Agrawal et al. likewise do not teach or suggest that the disclosed information protection system receives source files that have "a sequence of source video frames each comprising a pixel matrix of source pixel elements, each of the source pixel elements being associated with a pixel color value" as set forth in new independent claims 115 and 141.

Agrawal et al. also fail to teach or suggest extraction of source frame submatrices from a selected source video frame of the source file, wherein each source frame submatrix comprises the source pixel elements in the selected source video frame that correspond with the pixel submatrix of a relevant key element" as claimed. Still further, Agrawal et al. do not disclose or suggest use of a data block, as claimed in claims 115 and 141, that is encrypted via an owner

encryption key, "wherein [the] owner encryption key permits the file owner to generate a user decryption key to enable an authorized file user to decrypt and view the file attribute information in the branded source file." In fact, neither Rabin et al. nor Agrawal et al. disclose or suggest reception of source files that include source video frames, pixel matrices, or pixel color values or extracting a portion of a pixel matrix as a submatrix as claimed.

At least one recited element of claims 115 and 141 therefore is totally missing from Rabin et al. and Agrawal et al. Further, the Examiner does not assert that any teaching or motivation exists in the prior art to modify Rabin et al. or Agrawal et al. in a manner that renders claims 115-152 obvious. The Examiner therefore has not established a *prima facie* case of obviousness under 35 U.S.C. § 103 since all of the elements of the pending claims are not found in the cited references. Accordingly, Applicants submit that claims 115-152 are not anticipated or rendered obvious by Rabin et al. or Agrawal et al., either individually or in combination.

CONCLUSION

For at least the reasons set forth above, it is submitted that the application is in condition for allowance, and Notice of Allowance is earnestly solicited. The Examiner is encouraged to contact the undersigned at (949) 567-6700 if there is any way to expedite the prosecution of the present application.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 15-0665.

Respectfully submitted,

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Dated: _____April 25, 2007_____   By: _____

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